

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AMY FOTH,

Plaintiff,

Case No. 20-cv-113-pp

v.

ANDREW M. SAUL,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED MOTION FOR LEAVE
TO PROCEED WITHOUT PREPAYING FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).


The plaintiff's affidavit is somewhat confusing, and the court will require her to file an amended request to clear up the court's questions. The plaintiff's affidavit indicates that she is not employed, she is not married, and she has no dependents she is responsible for supporting. Dkt. No. 3 at 1. The plaintiff states that she is not employed, but she lists monthly wages or salary of \$196. Id. at 2. The court asks that the plaintiff indicate the source of that \$196 per

month income. Similarly, the plaintiff lists no rent or mortgage payment, but she does list household expenses of \$225. Id. Whose household are the expenses for, and how can the plaintiff pay more for expenses than she has income each month? Perhaps the plaintiff lives with relatives or friends who support her. Perhaps the plaintiff receives some sort of housing subsidy that she didn't realize she should disclose. There is no explanation provided and the court requests that the plaintiff clarify her living situation. The plaintiff is represented by counsel who should assist her in amending her request.

The court **ORDERS** that the plaintiff shall file an amended Non-Prisoner Request to Proceed in the District Court Without Prepaying the Filing Fee by the end of the day on February 28, 2020. If the plaintiff does not provide a new request in time for the court to receive it by the deadline, the court will deny her request to proceed without prepaying the filing fee and require her to pay the full \$400 filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 6th day of February, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge